

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SHANE McCLANAHAN,

Applicant,

v.

No. CV 11-0552 BB/RHS

STATE OF MONTANA,

Respondent.

MEMORANDUM OPINION AND ORDER FOR TRANSFER

This matter is before the Court, *sua sponte* under rule 4 of the Rules Governing Section 2254 Cases, for preliminary consideration of Applicant's Application For Writ Of Habeas Corpus Pursuant To 28 U.S.C. § 2254. The application challenges a judgment entered against Applicant in a Montana state criminal proceeding, although Applicant is now incarcerated in New Mexico. Because Montana would provide the more convenient forum for adjudicating Applicant's claims, *see Braden v. 30th Judicial Circuit Court*, 410 U.S. 484, 499 n.15 (1973); and *see Dunn v. United States Parole Comm'n*, 818 F.2d 742, 744 (10th Cir. 1987) ("only in the most formal sense does [a New Mexico custodian] control whether [Applicant] is released"), this proceeding will be transferred to the United States District Court for the District of Montana. *See* 28 U.S.C. §§ 1404(a), 106.

IT IS THEREFORE ORDERED that the Clerk is directed to transfer this case to the United States District Court for the District of Montana.



UNITED STATES DISTRICT JUDGE